

**CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Planning, Research & Development

AGENDA DATE: Public Hearing – February 8, 2005

CONTACT PERSON/PHONE: Jorge E. Rousselin, 541-4723

DISTRICT(S) AFFECTED: 2

SUBJECT:

Discussion and action on a Resolution authorizing the Mayor to sign an amendment to a zoning contract between the City of El Paso and Richard L. Moore and A. Elizabeth Moore amending the zoning contract dated September 16, 1969 and as imposed by Ordinance No. 4271 to delete a condition for the property described as Lot 1, Block 1, Alta Mira Addition, El Paso, El Paso County, Texas. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Willis E. Maxell. ZON04-00145. (District 2)

BACKGROUND / DISCUSSION:

See attached staff report.

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Denial Recommendation
City Plan Commission (CPC) – Approval Recommendation

*******REQUIRED AUTHORIZATION*******

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD: George Sarmiento, AICP

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

R E S O L U T I O N

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City Manager be authorized to sign an Amendment to Contract between the City of El Paso and Willis E. Maxwell amending the Contract dated September 16, 1969, to delete a condition for the property described as Lot 1, Block 1, Alta Mira Addition, in the City of El Paso, El Paso County, Texas.

ADOPTED this _____ day of March, 2005.

THE CITY OF EL PASO

Joe Wardy,
Mayor

ATTEST:

Richarda Duffy Momsen,
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Fred R. Lopez, Zoning Coordinator
Planning, Research & Development Dept.

Rudy Valdez, Chief Urban Planner
Planning, Research & Development Dept.

APPROVED AS TO CONTENT:

Matt Watson, Assistant City Attorney
Doc #7367

CONTRACT AMENDMENT ZON04-00145

THE STATE OF TEXAS }
} **AMENDMENT TO CONTRACT**
COUNTY OF EL PASO }

WHEREAS, a contract was entered into on September 16, 1969 by and between Richard L. Moore and A. Elizabeth Moore, and the City of El Paso, Texas, a home-rule municipal corporation, hereinafter referred to, respectively, as First Party, and Second Party, placing conditions on real property being described as Lot 1, Block 1, Alta Mira Addition, City of El Paso, in El Paso County, Texas; and

WHEREAS, Willis E. Maxwell, owner of the herein described property, has applied for amendment of the Contract to delete a restriction on the property; and

NOW, THEREFORE, the Contract dated September 16, 1969 is hereby amended to delete the condition limiting the subject property to be used only for offices of the kind permitted in A-O districts.

Except as herein amended, all provisions of the Contract referenced above retain full force and effect.

EXECUTED this _____ day of March, 2005.

THE CITY OF EL PASO

Joyce Wilson, City Manager

ATTEST:

Richarda Duffy Momsen, City Clerk

(Signatures continue on following page)

CONTRACT AMENDMENT ZON04-00145

APPROVED AS TO CONTENT:

APPROVED AS TO CONTENT:

Fred R. Lopez, Zoning Coordinator
Planning, Research & Development

Rodolfo Valdez, Chief Urban Planner
Planning, Research & Development

APPROVED AS TO FORM:

Matt Watson, Assistant City Attorney
Doc#7367

(Acknowledgment on following page)

CONTRACT AMENDMENT ZON04-00145

DOC NO. 7367
DOC NAME: Planning/1/RESO & K Richard Elizabeth Moore
DOC AUTHOR: MWAT

Acknowledgment

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

 This instrument is acknowledged before me on this _____ day of
_____, 2005, by _____ as
_____, on behalf of Willis E. Maxwell, as Applicant.

My Commission Expires:

Notary Public, State of Texas
Notary's Printed or Typed Name:

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



GEORGE G. SARMIENTO, AICP
DIRECTOR

**PLANNING, RESEARCH &
DEVELOPMENT DEPARTMENT**

December 23, 2004

CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

TO: The Honorable Mayor and City Council
Ms. Joyce A. Wilson

FROM: Jorge E. Rousselin

SUBJECT: ZON04-00145

The City Plan Commission (CPC), on December 02, 2004, voted **6-0** to recommend **APPROVAL** of the proposed removal of the contract condition limiting the site to offices of the type allowed in the A-O zoning district, not concurring with Staff's recommendation.

The CPC found that this rezoning is in conformance with The Plan for El Paso; and the proposed use is in conformance with the Year 2025 Projected General Land Use Map. The CPC also determined that this rezoning protects the best interest, health, safety and welfare of the public in general; and that the proposed use is compatible with adjacent land uses.

There was **NO OPPOSITION** to this request.

STAFF REPORT

Zoning Condition Amendment/Release: ZON04-00145

Property Owner(s): Willis E. and Arlette Maxell

Applicant(s): Same

Representative(s): Conde, Inc.

Legal Description: Lot 1, Block 1, Alta Mira Addition

Location: 1200 Chelsea

Representative District: # 2

Area: 0.352 Acres

Present Zoning: A-O/sc (Apartment Office/special contract) & R-4 (Residential)

Present Use: Office building

Proposed Request: Release of zoning contract condition limiting site to office development

Proposed Use: Credit Union

Recognized Neighborhood Associations Contacted: None

Surrounding Land Uses:

North -	R-4 (Residential) / Residences
South -	C-1 (Commercial) / Commercial Retail Center
East -	R-4 (Residential) / Residences
West-	R-4 (Residential) / Residences

Year 2025 Designation: Residential (Central Planning Area)

**CITY PLAN COMMISSION HEARING, December 16, 2004,
1:30 P.M., CITY COUNCIL CHAMBERS, 2ND FLOOR, CITY HALL**

Zoning Condition
Amendment/Release: ZON04-00145

General Information:

The applicant is requesting a release of a contract condition imposed by Ordinance No. 4271 dated September 16, 1969 which limits the land use of the subject property to uses in the A-O (Apartment Office) district in order to permit a credit union. The property is 0.352 acres in size and is currently a vacant office building. The proposed site plan shows an existing structure. Access is proposed via Chelsea with 15 parking spaces provided. These zoning conditions are currently imposed on this property.

Information to the Commission:

The Planning Department has received no phone calls or letters in favor or opposition to the contract release.

Staff Recommendation:

The Development Coordinating Committee (DCC) unanimously recommends of **DENIAL** this request to release the contract condition limiting the site to A-O uses.

The recommendation is based on the following:

“provide a wide range of housing types that respond to the needs of all economic segments of the community.”

The Year 2025 Projected General Land Use Map for the **Central** Planning Area designates this property for **Residential** land uses.

C-1 (Commercial) zoning permits a Credit Union and **is not compatible** with adjacent development.

The Commission must determine the following:

- A. Will the release of the contract condition limiting the site to A-O uses protect the best interest, health, safety and welfare of the public in general?
- B. Will a credit union be compatible with adjacent land uses?

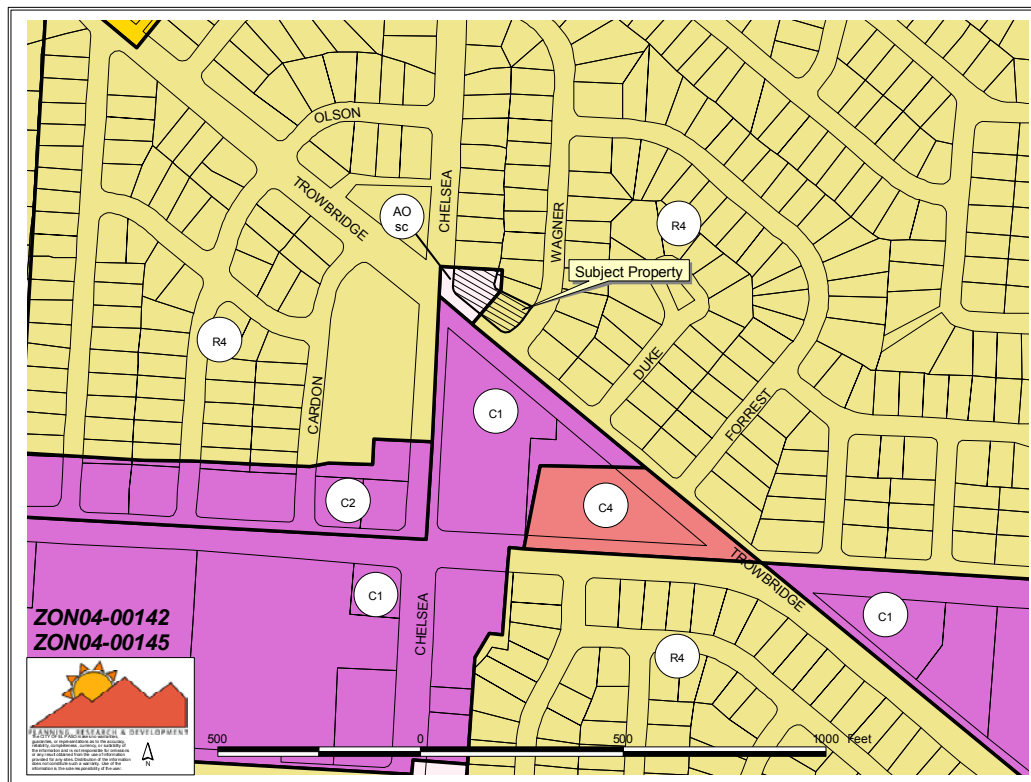
Information To The Applicant:

- Building Permits and Inspections Department, Zoning Division Notes:
 - Building Permits and Inspections does not object to the proposed Credit Union
 - Need to register LNC front set backs, side set back from carport to residential, detached covered structure
 - Need handicap parking required
 - 6' screening wall required between C-zone and R-zone
 - Chapter 20.65 Project will be required to meet Landscape Ordinance and need to dedicate area based on 3 street frontages or 10% of the lot within the landscape area.
- Engineering Department, Development Division Notes:
 - See attachment 1
- Engineering, Traffic Division Notes:
 - See attachment 2
- Fire Department Notes:
 - No comments submitted
- El Paso Water Utilities Notes:
 - See attachment 3
- Planning, Research and Development Department Notes:
 - Planning has concerns on the potential impact on the proposed residential land uses adjacent to the proposed commercial development as it is residential in character.

ATTACHMENT: Location Map; Site Plan; Department Comments.

NOTE TO THE PROPERTY OWNER: CITY PLAN COMMISSION POLICY REQUIRES THAT THE APPLICANT OR REPRESENTATIVE BE PRESENT AT THE PUBLIC HEARING FOR THIS ITEM. PLEASE DIRECT ANY QUESTIONS CONCERNING THIS REPORT TO THE DEPARTMENT OF PLANNING AT (915) 541-4056.

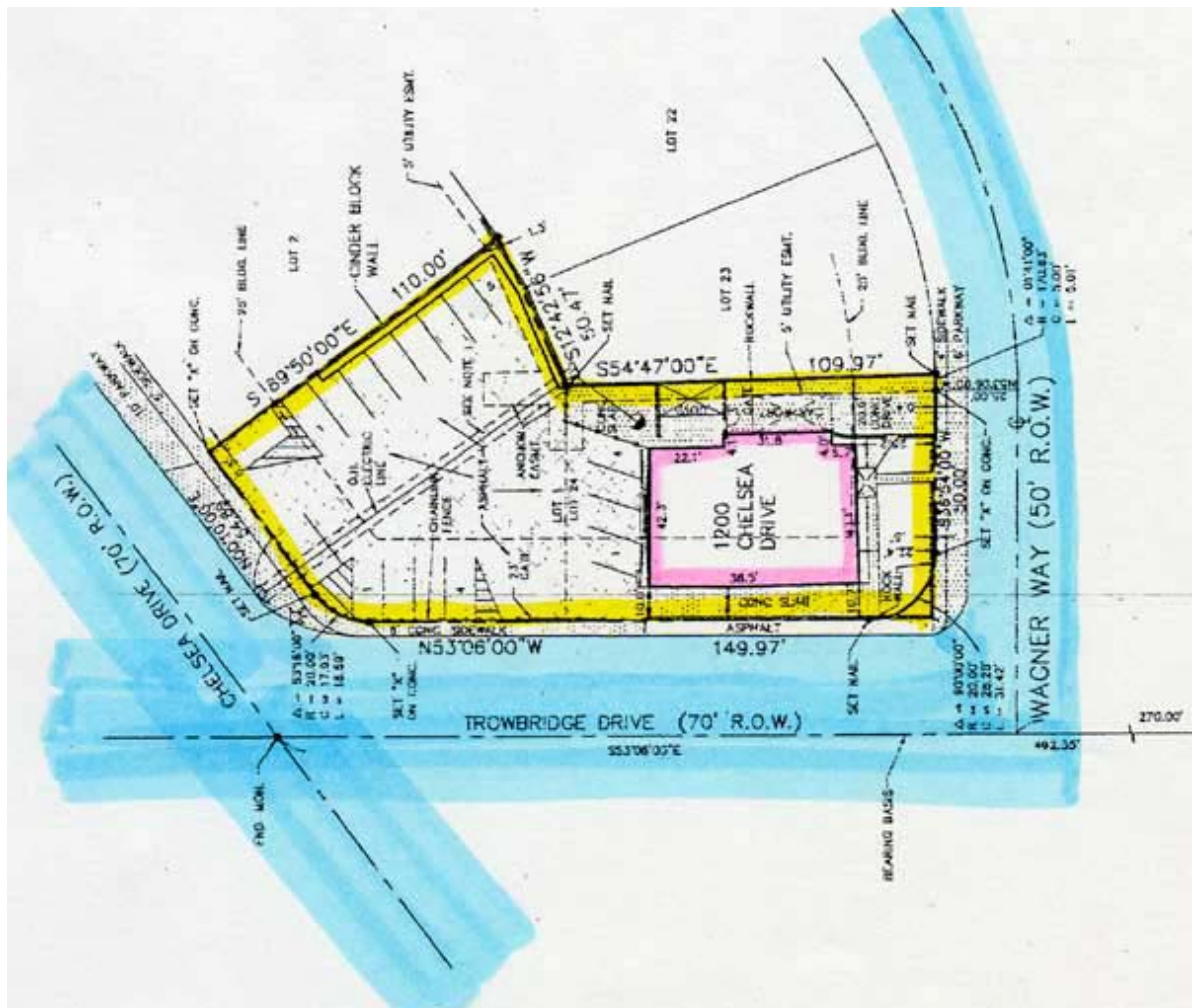
LOCATION MAP



AERIAL



SITE PLAN



TO: **PLANNING DEPARTMENT**

FROM: **ENGINEERING DEPARTMENT**

ATTN: **Kimberly Forsyth, Fred Lopez,
or Jorge Rousellin, Urban Planners**

DATE: **November 29, 2004**

ADDRESS: **1200 Chelsea Dr.**

PROPOSED USE: **Credit Union**

CASE NO.: ZON04-00145 PROPOSED ZONE: C-1 (Commercial)

REQUEST: Release of zoning contract condition limiting site to office development

LEGAL DESCRIPTION: Lots 1 and 24, Block 1, Alta Maria Addition

- ☐ 1. No comments
- ☐ 2. Must be submitted as a subdivision
- ☒ 3. Handicap Accessible Sidewalks, Wheel-Chair Ramps, and Driveway to City Standards will be required
- ☒ 4. Grading plan and permit required.
- ☐ 5. Storm Water Pollution Prevention details required.
- ☒ 6. Storm Water Pollution Prevention plan and permit required.
- ☒ 7. Drainage plans must be approved by the City Engineer
- ☐ 8. On site ponding will be required.
- ☐ 9. Private pond is required.
- ☐ 10. No water runoff allowed unto _____.
- ☐ 11. Additional R.O.W. required.
- ☒ 12. Additional Comments: Site location **is not** located within the Special Flood Hazard Area. Zone **C**, Panel **34 B**.

Bashar Abugalyon, P. E.

JOE WARDY
MAYOR

per

JOYCE WILSON
CITY MANAGER

RICK CONNER
CITY ENGINEER



November 12, 2004

ENGINEERING DEPARTMENT

DISTRICT COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

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VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

TO: Fred Lopez, Planner II/Zoning Coordinator
Kimberly Forsyth, Planner II
Jorge Rousselin, Planner II

COPY TO: Land Development

FROM: Traffic Division

SUBJECT: **ZONO4-00145 1200 Chelsea**
Amendment/Release

Regarding the above referenced DCC item, the Engineering Department has the following comments:

- **No apparent traffic concerns with the release of zoning contract condition.**

Should your office or the applicant have any questions or comments regarding these issues, please contact Margarita Molina at 541-4223.

INTEROFFICE MEMORANDUM

To: Jorge Rousselin
Urban Planner

From: El Paso Water Utilities - Engineering

Date: December 09, 2004

Subject: **ZON04- 00145 (Zoning Condition, Amendment Release)**

Lots 1 and 24, Block 1, Alta Mira Addition, (the Property).

Location: 1200 Chelsea Drive at Trowbridge Drive.

Present: A-O (Apartment Office); vacant.

Proposed request: release of zoning contract condition limiting site to office development.

Proposed Use: credit union.

-
We have reviewed the *zoning condition, amendment release* described above and provide the following comments:

General

Water and sanitary sewer mains exist along Trowbridge Drive, as well as along Chelsea Drive, and are available for service.

In the event that the City of El Paso Fire Department requires additional fire hydrants on Public right-of-way and/or an on-site fire protection system within the private property, the property owner is responsible for all costs incurred to extend, relocate and construct water mains and appurtenances to provide this service. The owner is responsible for the costs of any necessary on-site & off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

Application for water and sanitary sewer services should be made 6-8 weeks prior to any construction to ensure water for construction work. A site plan, a utility plan, grading & drainage plans, landscaping plan (if applicable), the legal description of the property, and a certificate-of-compliance are required at the time of application. The certificate-of-compliance can be obtained on the 2nd floor at City Hall.

EPWU does not object to this request.